



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 7th April, 2017:—

BILL NO. 139 OF 2016

A Bill to provide for payment of pension and certain other facilities to farmers in drought affected areas.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Pension to Farmers in Drought Affected Areas Act, 2016.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "drought affected area" means any district or part of a district which has been declared as drought affected area by the Central Government under section 3;

(b) "farmer" means a person who possesses agricultural land measuring not more than five acres in a drought affected area and has no income from any source other than agriculture; and

(c) "prescribed" means prescribed by rules made under this Act.

Declaration of drought affected area.

3. (1) The Central Government may, from time to time, declare any area as drought affected area either on its own or on the recommendation of the concerned State Government.

(2) The Central Government may take into consideration such factors as it may deem fit before declaring an area as a drought affected area.

Central Government to provide pension and certain other facilities to farmers.

4. The Central Government shall—

(a) provide pension to every farmer at the rate of five thousand rupees per month;

(b) provide free educational facilities including supply of books, uniform and writing materials to the children of farmers;

(c) make provision for life insurance cover free of cost to farmers; and

(d) provide free healthcare facilities to farmers and their dependent family members.

Cessation of an area as drought affected area.

5. (1) If the Central Government is satisfied at any point of time that drought situation no longer exists in any district or in any part of a district declared as drought affected area under section 3, the Central Government may, by notification in the Official Gazette, specify the date from which such district or part of district shall cease to be a drought affected area.

(2) All facilities other than monthly pension provided to farmers in a district or part of a district under section 4 shall continue for a period of one year from the date of notification of cessation of that district or part of that district as drought affected area.

Power to make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is predominantly an agricultural State. Sixty per cent. of the population is directly or indirectly engaged in agricultural activities. But our agriculture, even after sixty-nine years of independence, is fully dependent on monsoon. Whenever monsoon fails, agriculture sector is affected to a great extent. Moreover, due to urbanization and industrialization, agricultural land is shrinking. Most of times, a large number of districts in the country are affected by drought. The farmers in the drought affected areas face a lot of problems in carrying on their livelihood. They are compelled by extreme situations to commit suicide because they are not able to meet their daily needs and repay their loans to banks and moneylenders.

Therefore, it is proposed in the Bill to provide certain measures for welfare of farmers living in drought affected areas.

Hence this Bill.

NEW DELHI;
April 13, 2016.

SHIVAJI ADHALRAO PATIL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for payment of pension and other certain facilities to farmers in drought affected areas by the Central Government. The Bill, therefore if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore will be involved as a recurring expenditure per annum from the Consolidated fund of India.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 141 OF 2016

A Bill further to amend the Railways Act, 1989.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Railways (Amendment) Act, 2016.

Short title
and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

24 of 1989.

2. In section 126 of the Railways Act, 1989, (hereinafter referred to as the principal Act), in sub-section (1), the following proviso shall be inserted, namely:—

Amendment of
section 126.

"Provided that where a person, who has sustained the injury or suffered any loss, or the dependant of the deceased, as the case may be, is not in a position to make an application for interim relief, the Railway Administration shall, after verifying the facts, declare an interim relief of rupees five lakh in case of death; rupees one lakh in case of grievous injury and rupees twenty five thousand in case of minor injury without insisting on application for interim relief."

3. In section 127 of the principal Act, after sub-section (1), the following proviso shall be inserted, namely:—

Amendment
of section
127.

"Provided that in case of death of a passenger, the amount of compensation shall not be less than rupees ten lakh."

STATEMENT OF OBJECTS AND REASONS

The Railways Act, 1989 was enacted to provide a legal framework for proper development and regulation of the railway services. Under the provisions of the Act, for getting an interim relief during accidents, an applicant has to make an application to the Claims Tribunal. But there may be situations when an applicant may not be in a position to make an application for interim relief, especially the dependant of the deceased. In such a situation, it would not be appropriate to insist for filing of application. Moreover, a Railway Claims Tribunal has been empowered to fix the compensation in case of death or injury in case of an accident. But no minimum compensation has been provided in the Act.

The Bill, therefore, seeks to amend the parent Act with a view to do away with the procedural formality of making an application to the Railway Claim Tribunal seeking an interim relief in situation when the applicant is not in a position to file an application. The Bill also proposes to fix amount of relief in case of death of deceased to rupees five lakh; in case of greivous injury to rupees one lakh and for minor injury rupees twenty-five thousand. Moreover, the Bill intends to fix the minimum amount of compensation in case of death of a passenger to rupees ten lakh.

Hence this Bill.

NEW DELHI;
April 13, 2016.

SHIVAJI ADHALRAO PATIL

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide interim relief of rupees five lakh in case of death; rupees one lakh in case of grievous injury and rupees twenty five thousand in case of minor injury. Clause 3 provides that amount of compensation in case of death of a person in an accident shall not be less than rupees ten lakhs. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. However, at this Stage it is not possible to estimate the expenditure likely to be incurred.

BILL NO. 66 OF 2017

A Bill to provide for setting up of an Airlines Regulatory Authority to regulate the operation of airline companies and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title,
extent,
commencement
and
application.

1. (1) This Act may be called the Airlines Regulatory Authority Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force at once.

(4) It shall apply to all airline companies, including private and foreign airline companies operating to and from India and providing commercial helicopter/aircraft services on payment basis.

2. In this act, unless the context otherwise requires,—

Definitions.

(a) "Authority" means the Airlines Regulatory Authority constituted under section 3; and

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute an Authority to be known as the Airlines Regulatory Authority to regulate the operation of airline companies in the country.

Establishment
of Airlines
Regulatory
Authority.

(2) The Authority shall consist of—

(i) a Chairperson, who shall be an expert in the discipline of aviation, to be appointed by the Central Government; and

(ii) three members, each representing airline companies, the Department of Commerce and the Department of Industry of the Union Government, to be nominated by the Central Government.

(3) The Secretary of the Union Ministry of Civil Aviation shall be the ex-officio Secretary of the Authority.

(4) The Central Government shall provide such number of officers and staff to the Authority as may be required for its efficient functioning.

(5) The salary and allowances payable to, and other terms and conditions of the Chairperson, members and officers and staff of the Authority shall be such as may be prescribed.

4. The Authority shall:—

Functions of
the Authority.

(i) prescribed guidelines regarding functioning of all airline companies operating in the country;

(ii) formulate guidelines regarding services provided by various airline companies in the country;

(iii) fix fares for various domestic flights without putting any restrictions on the power of the airline companies to fix fares lower than that fixed by the Authority;

(iv) prescribe guidelines regarding minimum facilities to be provided to passengers without restricting the power of the airline companies to provide more facilities than prescribed by the Authority;

(v) issue guidelines regarding payment of compensation to passengers in case of delay in the scheduled flights;

(vi) prescribe facilities to be provided to passengers by airline companies in case of delay or cancellation of flights due to reasons beyond the control of airlines companies;

(vii) prescribe norms regarding fee including license fee for the usage of the airport;

(viii) prescribe compensation for loss of luggage, baggage or delay in transit of luggage or baggage;

(ix) issue guidelines regarding insurance cover for passengers;

(x) issue guidelines regarding prior information to passengers in case of delay or cancellation or rescheduling of flights;

(xi) frame guidelines for regulation of advertisement issued by airlines;

(xii) establish redressal mechanism to deal with complaints of and against airlines;
and

(xiii) undertake any other function that may be entrusted to it by the Central Government, from time to time, for carrying out the purposes of this Act.

Punishment.

5. If any airline company violates any of the guidelines framed or issued by the Authority, the registration or licence of such company shall automatically stand suspended for a period of six months.

Central Government to provide adequate funds.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of this Act.

Act not to be in derogation of other Laws.

7. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt with in this Act.

Power to make rules.

8. (1) The Central Government may, by notification in the official gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There has been a mushrooming growth of private airlines in the country as a result of economic liberalization. Since there is no mechanism to regulate the functioning of airlines, they are not functioning properly and are harassing the passengers by undue delay or cancellation of scheduled flights. The constitution of a regulatory body in aviation sector is required to mitigate the problems being faced by the airlines passengers.

Hence this Bill.

NEW DELHI;
March 7, 2017.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of an Airlines Regulatory Authority. Clause 6 provides that Central Government shall release funds to Central Authority after due appropriation. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees ten crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees one crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 62 OF 2017

A Bill to provide for the welfare of children and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Child Protection Act, 2017.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, 'child' means a person who has not completed the age of fifteen years.

Definition.

Prohibition of child employment.

3. Notwithstanding anything contained in any other law for the time being in force, no child shall be employed by any person for any work in any manner.

Establishment of children homes.

4. (1) The Central Government shall establish adequate number of children homes with all basic amenities for the welfare of children in every district of the country.

(2) Any child who is abandoned, orphan, destitute, neglected or engaged in any job, occupation or begging shall be admitted to the children homes set up under sub-section (1).

Facilities to be provided to the children in children homes.

5. (1) Every child who is admitted into the children home shall be entitled to the following facilities free of cost,—

(a) accommodation, food and clothing;

(b) education including higher and technical education; and

(c) medical assistance.

(2) Every child shall also be entitled to such other facilities as are necessary for his all-round development.

Reservation in posts and services under Central Government.

6. The Central Government shall make provisions of reservation in posts and services under its control for children admitted to children homes on attaining the age of eighteen years.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of children are forced by their parents to do menial labour, in order to sustain their livelihood. Due to lack of proper diet and healthcare, these children become victims of a number of diseases. Some of them even succumb to premature death. Many of these children are highly talented. But due to lack of proper education and other opportunities, their talent goes waste.

Children are the future of a country. It is, therefore, the responsibility of the Government to provide opportunities of all-round development to every child and also to provide protection against exploitation. Thus, it is proposed to bring in a legislation for the welfare and protection of children against exploitation.

Hence this Bill.

NEW DELHI;
February 27, 2017.

VISHNU DAYAL RAM

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of children homes with all basic facilities for the welfare of children. Clause 5 provides for facilities like accommodation, food, clothing, education and medical assistance to be given to children admitted into children homes, free of cost. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve the recurring expenditure of about rupees five hundred crores per annum.

A non-recurring expenditure of rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will related to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 61 OF 2017

A Bill to provide for ban on manufacture and use of polythene bags and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Ban on Polythene Bags Act, 2017.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) “polythene” means material which contains as an essential ingredient a high polymer such as polyethylene terephthalate, high density polymers, Vinyl, low density polyethylene, polypropylene, polystyrene resins or multi-material like acrylonitrile butadiene styrene, polyphenylene oxide, polycarbonate, Polybutylene terephthalate;

(b) “Polythene bag” means any item or product which is made of polythene and used for storing food, liquid or any consumable or such other product as the Central Government may, by notification in Official, Gazette, specify; and

(c) "prescribe" means prescribed by rule made under this Act.

Prohibition
on polythene
bags.

3. Notwithstanding anything contained in any other law for the time being in force, no person shall use, manufacture sell or trade in any polythene bag.

Penalty.

4. Whoever violates the provision of this Act shall be punished with a fine which shall not be less than rupees three lakh.

Power to
make rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Use of polythene bags is harmful not only to the environment but also to the mankind as a whole. Polythene bags are being used in large quantities. This is affecting the global environment which results in depletion of our natural resources and destruction of the whole eco-system.

Hence, it is high time to ban the manufacture and use of polythene bags.

Hence this Bill.

NEW DELHI;
February 27, 2017.

VISHNU DAYAL RAM

BILL NO. 63 OF 2017

A Bill to provide for establishment of a Bureau of Accountability to suggest measures for rooting out corruption; making the administration efficient and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Bureau of Accountability Act, 2017.

(2) It shall come into force on such date as Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “Bureau” means the Bureau of Accountability established under section 3; and

(b) “prescribed” means prescribed by rules made under this Act.

3. (1) The Central Government shall by notification in the Official Gazette, establish a Bureau to be known as the Bureau of Accountability for carrying out the purposes of this Act.

Establishment of a Bureau of Accountability.

(2) The Bureau shall consist of—

(i) three serving or retired Judges of the Supreme Court of India of whom one shall be appointed as the Chairman of the Bureau;

(ii) the Cabinet Secretary to the Central Government, as member;

(iii) the Home Secretary to the Central Government, as member;

(iv) Director to the Intelligence Bureau, as member;

(v) Director of the Central Bureau of Investigation, as member;

(vi) one retired General of the Army, as member,

(vii) an eminent social worker, as member;

(viii) an eminent political activist, as member;

(ix) three serving or retired Chairpersons of Public Sector Undertakings to be nominated by the Central Government, as members,

to be nominated by the Central Government; and

(x) two members of Parliament, one each from the House of the People and the Council of States, to be nominated by the Presiding Officers of the respective Houses.

(3) The members of the Bureau shall have a tenure of six years from the date of their appointment or nomination, as the case may be.

(4) The office of the Bureau shall be at New Delhi.

(5) The Central Government shall appoint such number of Officers and staff as it considers necessary for the efficient functioning of the Bureau.

(6) The salary and allowances payable to and other terms and conditions of service of members and officers and staff of the Bureau shall be such as may be prescribed.

4. The Bureau shall take steps and suggest measures to the Central Government to—

Functions of the Bureau.

(i) make the administration corruption free;

(ii) accelerate the pace of working in the Ministries of the Government of India; and

(iii) implement the policies framed by the Central Government within the prescribed time period.

5. The members of the Bureau shall carry out surprise inspections of various Ministries and Departments of the Central Government and the Public Sector Undertakings from time to time and suggest measures for carrying out administrative reforms in the functioning of the Union Ministries, Departments and Public Sector Undertakings.

Powers of the Bureau.

6. The Bureau shall formulate rules for its internal working and the rules so made shall be laid before Houses of Parliament.

Procedure to be followed by the Bureau in its functioning.

Power to
make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rule.

STATEMENT OF OBJECTS AND REASONS

It has been emphasized time and again that low performing and inefficient bureaucracy is a big hurdle in the development of the country. Some senior officers and their subordinates working in Government offices do not dispose of their official works within the prescribed or reasonable time period. Many important files remain pending for months in Government Offices and offices of Public Sector Undertakings which in turn leads to corruption. It is, therefore, necessary that a high powered permanent Bureau should be set up to accelerate the pace of work of bureaucracy and ensure timely completion of work. This will also help in rooting out corruption.

Hence this Bill.

NEW DELHI;
February 27, 2017.

VISHNU DAYAL RAM

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish a Bureau of Accountability. It further provides that the Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Bureau. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees five hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 67 OF 2017

A Bill to provide for mandatory basic facilities like housing, food, water, medicine and security to neglected senior citizens, widows and orphans.

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Mandatory Basic Facilities for Neglected Senior Citizens, Widows and Orphans Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "neglected senior citizen" means any person who has attained the age of sixty years and has no facility for shelter or has any relative to provide shelter;

(c) "orphan" means a child who is below fourteen years of age and is without parents or willing and capable legal or natural guardian or other relatives to take his minimum basic care;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "widow" means any woman who has not remarried after the death of her husband and who does not have any facility for shelter.

Framing a National Policy.

3. The Central Government shall, as soon as may be, but within six months of the commencement of this Act, by notification in the Official Gazette, frame a national policy for protection and welfare of the neglected senior citizens, widows and orphans.

Establishment of Residential Centres.

4. (1) The appropriate Government shall establish residential centres for the neglected senior citizens, widows and orphans.

(2) Every residential centre shall have the capacity of minimum eighty and maximum two hundred persons to live in at a time.

(3) Every residential centre shall be arranged in such a way to accommodate two orphans, one senior citizen and one widow in one unit.

Residential centres to have proper facilities for the beneficiaries.

5. The appropriate Government shall—

(a) provide housing, food, water, medicine, security and the minimum resources necessary to lead a balanced and healthy life in every residential centre;

(b) set up a domestic production unit for employment generation in every residential centre; and

(c) provide educational facilities for orphans.

Constitution of Management Committee.

6. (1) The appropriate Government shall, by notification in the Official Gazette, constitute in each State a Managing Committee to monitor, supervise and coordinate the functioning of the residential centres established under sub-section (1) of section 4.

(2) The Management Committee shall consist of—

(i) a Chairperson;

(ii) Secretary, Social Welfare Department of the State Government concerned, member;

(iii) a senior-most senior citizen from the residential centre, member;

(iv) an oldest widow from the residential centre, member;

(v) an eminent social worker, member;

to be nominated by the appropriate Government in such manner as may be prescribed.

(3) The salary and allowances payable to and other term and conditions of service of Chairperson, and members of the Managing Committee and the procedure to be followed in the discharge of its functions shall be such as may be prescribed.

(4) The residential centres shall have such members of staff with such terms and conditions of services as may be prescribed, from time to time.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.

Central Government to provide fund.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the last one decade, the old age population in the country has risen by 39.3 per cent. This segment of population is expected to rise by 45-50 per cent in the coming decades. Because of the continual nuclearization of families in the society, they have to suffer from several problems on their own. There are more than a thousand old age homes in India but they have not been able to yield expected results. In a similar way, there are also a large number of widows in the country who are not only discriminated in their family but also in the entire society. In several cases, they are deprived of basic support and assistance. The necessity today is to create and promote a propitious environment whereby these widows can live their remaining lives in a socially productive and dignified manner. There is also a large section of the population of orphan kids who are without any support and who live a destitute life. Most of these kids are either subjected to child labour or are addicted to drugs or are involved in illegal organ trading.

The need is to bring these three disadvantaged sections of society under one roof of residential centre where they can use their mutually cooperating roles in a socially conducive manner. Widows should be encouraged to undertake the role of mother for orphan children and neglected old citizens should play the role of guardians for both of them. This would make facilitate a family environment for all of them. Through these centres, along with basic facilities such as food, shelter and clothing, an opportunity to live a more dignified life can be given to all these three sections in the society—old age, widows and destitute children. This arrangement would definitely make their lives happy by mutually interdependent and emotional bonding. In these centres the neglected, suffering and deprived classes of our society would be able to live a life free from deprivation and many other problems.

The most important reason to establish the residential centres is to create a unified shelter for various needy sections instead of separate orphanages, widow ashrams, old age homes, etc. Two distinctive benefits that should arise from such arrangement are that on one hand there would be a reduction in Government spending on infrastructure, human resources, etc. and, on the other hand, these disadvantaged groups would have an opportunity to take care of each other and live a better life with emotional, social and mental satisfaction.

Hence this Bill.

NEW DELHI;
February 28, 2017.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of the residential centres all over the country for use of the neglected senior citizens, widows and orphans. Clause 5 provides that appropriate Government shall ensure residential centres to have proper basic facilities to the beneficiaries. Clause 6 provides for constitution of Management Committee in each State to monitor, supervise and coordinate the functioning of the residential centres. Clause 7 provides that Central Government shall provide adequate funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may involve as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 68 OF 2017

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

Short title.

1. (1) This Act may be called the Constitution (Amendment) Act, 2017.

(2) After article 16 of the Constitution, the following article shall be inserted, namely:—

Insertion of
new article
16A.

"16A. Every citizen, who has attained the age of twenty-one years, shall have the right to employment:

Right to
employment.

Provided that any such citizen, who is not provided with employment, shall be entitled to unemployment allowance at such rate as Parliament may, by law, determine."

STATEMENT OF OBJECTS AND REASONS

Even after sixty-seven years of independence, twenty-seven per cent of India's population is living below poverty line and a large section of people die of starvation every year. Although poverty has been checked to a large extent, yet a large section of our society is unemployed and they have no source of income. In the absence of adequate employment opportunities, youth take to other courses to sustain themselves by joining extremist, terrorist and criminal activities and also indulge in other anti-social activities such as kidnapping, robbery, hijacking, etc., which is not good for unity and integrity of the nation. Therefore, time has come to amend the Constitution to make right to employment a fundamental right, so that the young generation do not indulge in anti-national activities. Besides, making right to employment a fundamental right of the citizens, the Bill also provides for payment of unemployment allowance to all unemployed citizens till they are provided with employment. This will help young generation financially, discourage them from indulging in anti-national activities and engage them in nation building activities.

Hence this Bill.

NEW DELHI;
March 6, 2017.

BHAIRON PRASAD MISHRA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for making right to employment a fundamental right of the citizens who have attained the age of twenty-one years. It further provides that every such citizen who is not provided with employment shall be entitled to get unemployment allowance at such date as Parliament may, by law, determine. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five thousand crore is likely to be involved initially.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL NO. 64 OF 2017

A Bill to provide for framing of a comprehensive health insurance scheme in the country and for matters connected therewith.

BE it enacted by Parliament in the Sixty-eighth year of the Republic of India as follows:—

1. (1) This Act may be called the Health Insurance Scheme Act, 2017.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Corporation" means the Health Insurance Corporation of India established under section 3;

(b) "doctor" means a physician practicing in any recognised system of medicine;

(c) "family" means husband, wife, minor sons and daughters, dependent brother, sister and parents;

(d) "hospital" means any clinic, dispensary, medical first-aid centre, hospital, nursing home, medical consultancy centre, indoor treatment centre or a research centre, where patients are treated and includes a place where medical consultation is offered to a patient;

(e) "medicine" means any drug or medicine, whether used internally or externally, or any life saving support system or any medicine required for physical and mental well being and includes all systems of medicine;

(f) "prescribed" means prescribed by rules made under the Act; and

(g) "treatment" means consultation, prescription, any investigation leading to diagnosis of disease, any type of treatment provided by any hospital and includes replacement of human organs and any treatment for physical and mental well being of the patient.

Establishment
of Health
Insurance
Corporation
of India.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Corporation to be known as Health Insurance Corporation of India for carrying out the purposes of this Act.

(2) The Corporation shall consist of—

(i) a Chairperson;

(ii) one representative of the Union Ministry of Finance, as member;

(iii) one representative of the Union Ministry of Health and Family Welfare, as member;

(iv) one representative of the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956, as member;

(v) one representative of medical profession, as member;

(vi) one representative of banking service, as member;

(vii) one representative of distinguished social workers, as member; and

(viii) one representative of legal profession, as member,

to be appointed by the Central Government in such manner as may be prescribed.

(3) The headquarter of the Corporation shall be at New Delhi.

(4) The Corporation may set up regional offices at every State capital and at such other places as it may deem fit.

(5) The Corporation shall set up a branch office in every city having a population of more than one million and in every district:

Provided that the Corporation may set up more than one branch in a district keeping in view the population and requirement of that district.

(6) The salary and allowances payable to and other terms and conditions of service of Chairperson and members of the Corporation shall be such as may be prescribed.

4. (1) The Central Government shall appoint such number of officers and other employees, as it may deem appropriate, for efficient functioning of the Corporation.

Appointment of officers and employees to the Corporation.

(2) The salary and allowances payable to and other terms and conditions of service of officers and other employees of the Corporation shall be such as may be prescribed.

5. The Corporation shall frame an insurance scheme for providing medical and health care to all citizens of the country.

Formation of Insurance Scheme.

6. Every family shall be given an identity card, containing the details of more members of the family who shall be entitled to benefits under this Act including specialized treatment and such other particulars as may be prescribed.

Issuing of Identity Cards.

7. (1) Every family shall pay such amount as premium as may be prescribed to avail the benefits under this Act.

Payment of premium.

(2) While fixing the premium under sub-section (1), the following factors shall be taken into consideration, namely:—

(i) the number of members in the family;

(ii) the annual income of the family;

(iii) any previous history of disease or any medical problem to any member of the family; and

(iv) the number of average visits to a hospital during the previous year.

8. The premium shall be payable at,—

Places for payment for premium.

(i) any branch of the Corporation; or

(ii) the nearest commercial or cooperative bank; or

(iii) mobile outlets of the Corporation; or

(iv) such other place as may be fixed by the Corporation.

9. No family shall be entitled to benefits under this Act unless the full amount of premium has been paid.

Non-availability of benefits for non-payment of premium.

10. Every family shall be entitled to the following benefits, namely:—

Benefits.

(a) treatment from any hospital or a doctor; and

(b) medicine from any medical shop:

Provided that the Corporation may, allow a person for specialised treatment on payment of such further premium, as it may determine.

11. Subject to the provisions of this Act, a person availing of the benefits under this Act shall not be required to pay any extra money, other than the premium, for treatment or cost of medicines or services availed in a hospital.

No payment for treatment of medicines or other services.

12. Any hospital or doctor or a medical shop shall make an application to the nearest office of the Corporation for reimbursement of expenses in connection with the treatment or for the cost of medicines, in such manner as may be prescribed.

Reimbursement of expenditure for treatment, medicine, etc.

13. The Corporation shall, as soon as possible, but not later than ten days from the date of receipt of an application under section 12, make the payment to the hospital, doctor or medical shop, as the case may be.

Time limit for making payment by Corporation.

Punishment.

14. Whoever violates the provisions of section 13 shall be punished with a fine of rupees one thousand.

Overriding
effect of the
Act.

15. The provisions of this Act shall have effect notwithstanding anything contrary contained in any other law for the time being in force.

Power to
make rules.

16. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country, millions of people are living below poverty line and without any proper medical and healthcare. Medical care in our country is not upto the standard. Only very few people have access to good and specialized treatment.

Though number of hospitals have increased over the years, yet they are not adequate to meet healthcare needs of the increasing population. With the scarce resources available, the Government cannot take upon itself to provide best healthcare to its citizens.

At present, some insurance companies provide for health insurance. However, such schemes are not comprehensive in nature and cover only a small section of society and are limited to a few diseases only. Moreover, insurance companies are not exclusively connected with health insurance.

Therefore, it is proposed to set up an insurance corporation exclusively for providing best healthcare to citizens. The beneficiaries will be required to make payment of premium depending upon number of members in the family, income, etc. However, they will be entitled to comprehensive healthcare.

The Bill seeks to achieve the above objective.

NEW DELHI;
March 7, 2017.

ASHWINI KUMAR CHOUBEY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Health Insurance Corporation of India. It further provides for setting up of regional offices and branches of the Corporation. It also provides for appointment of Chairperson and members of the Corporation who shall manage the Corporation. Clause 4 provides for appointment of the officers and employees of the Corporation. Clause 6 provides for issuance of identity cards to beneficiaries. Clause 10 provides for free treatment and medicines to beneficiaries. Clause 13 provides that the Corporation shall reimburse the expenditure to hospitals, doctors and medical shops in connection with the treatment of patients. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees five thousand crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

ANOOP MISHRA
Secretary General